

## **REMARKS**

The Examiner is thanked for the thorough examination of the present application. The Office Action, however, tentatively rejected all claims 1-32. In response, Applicant submits the foregoing amendments and the following remarks. Specifically, claims 1, 5, 9, 13, 17, 20-21, 25, 29, and 32 have been amended to more clearly define over the rejections or the applied art. Applicant submits that no new matter is added by these amendments.

### **Claim Objections and Rejections under 35 U.S.C 112**

Claims 20 and 32 were objected to for lack of antecedent basis. Claims 1-4, 9-12, 17, and 29 are rejected under 35 U.S.C 112, second. Corresponding amendments are made to these claims, and it is believed the amended claims overcome the various objections and rejections.

### **Rejections under 35 U.S.C 101**

Claims 1-4 and 9-12 are rejected under 35 U.S.C 101 because the claimed invention is directed to non-statutory subject matter. Independent claims 1 and 9 have been amended to include the phrase: "comprising a computer readable medium storing program code for execution by a computer, the program code." This added phrase brings the claims into the U.S. PTO's standards for interpreting 35 U.S.C. §101. Accordingly, the rejections should be withdrawn.

### **Rejections under 35 U.S.C 102(e)**

Claims 1-3, 5-7, 9-11, 13-15, 17-19, 21-23, 25-27, and 29-31 are rejected under 35 U.S.C 102(e) as allegedly being anticipated by U.S. patent number 6,711,449 to Miyahara et al. Applicant respectfully requests reconsideration and withdrawal of these rejections. In regard to amended claims 1, 5, 9, 13, 17, 21, 25 and 29, Miyahara does not disclose, suggest, or teach, *inter alia*, the following feature recited by these claims of the present application:

“receiving or separating at least a first order having a period delivery demand, in which ***the period delivery demand designates a specific period, and directs a supplier to deliver products corresponding to the first order at an arbitrary delivery date planned by the supplier, and the arbitrary delivery date is before the end of the specific period***”.

In the Miyahara reference, ***each order has a desired delivery date. It is understood that, the desired date is fixed and designated by the client in the Miyahara reference.*** In the application, however, ***the period delivery demand designates a specific period***, such as three months or a quarter. ***A specific delivery date is not designated by the client. The delivery date of products is adjustable and determined by the supplier according to its manufacturing conditions.*** No where in the Miyahara reference does it disclose the concept of the period delivery demand. Additionally, in the Miyahara reference, ***the production slot day of an order is compared with the desired delivery date of the order to determine whether the order is suitable for exchange.*** In the application, however, no such determination is required. The order having the period delivery demand is directly selected, and pushed out. Consequently, the cited Miyahara reference and the claimed embodiments are patently different.

Further, in claims 9, 13, 17, 25 and 29, Miyahara does not disclose, suggest, or teach, *inter alia*, the following feature recited by above claims of the present application:

“pushing out the first order, and directing capacity reserved for the first order to meet other order ***if a production event occurs during product manufacturing in the supplier***”.

In the present application, the timing for pushing out the first order having the period delivery demand is an order having a pull-in demand enters or ***a production event occurs during product manufacturing in the supplier***. The production event may be equipment malfunction, for example. Nowhere in the Miyahara reference does it disclose the claimed feature.

Since Miyahara fails to teach the claimed features above of the invention, claims 1, 5, 9, 13, 17, 21, 25 and 29 are patentable over the cited reference. Insofar as all remaining claims depend from one of these claims, all remaining claims are similarly believed to be patentable. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

In view of the foregoing remarks, the applicants respectfully request the Examiner's reconsideration of the application and the timely allowance of claims.

For at least the foregoing reasons, it is believed that all pending claims are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

No fee is believed to be due in connection with this submission. If, however, any fee is deemed to be payable, you are hereby authorized to charge any such fee to Deposit Account No. 20-0778.

Respectfully submitted,

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By:

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